

REMARKS

Favorable consideration of this application in its continued examination, based on this amendment and these following remarks, is respectfully requested.

Claims 1 through 14 remain in this case. Claim 1 is amended. Claims 15 through 32 are canceled to advance the prosecution of this case, without prejudice to the presentation of those claims in a divisional application.

Applicant and the undersigned appreciate the time and courtesy extended by the Examiner in the telephone interview of May 31.

Claims 1 through 32¹ were finally rejected under §102 as anticipated by the Edelman reference². Claim 1 is amended to clarify its novelty and patentability over the Edelman reference, and for further clarity.

Amended claim 1 now requires the additional step of operating a server to forward, over the computer network, a draft trust instrument to the grantor. This operating step is recited, in amended claim 1, as following the receipt of identification information regarding the grantor and a beneficiary of the trust, and the receipt of an initial funding amount. Claim 1 is also amended to now require a step of receiving, from the grantor, electronic confirmation to establish the trust, occurring after the operating step.

The specification clearly supports this amendment to claim 1.³ As such, no new matter is presented by this amendment. In addition, Applicant submits that amended claim 1 remains generic to all species presented in the dependent claims.

Applicant submits that amended claim 1 is novel and patentably distinct over the Edelman reference. As previously argued, the method of claim 1 creates a trust where none existed before. The operating of a server to forward a draft trust instrument over the network to the grantor further emphasizes the novelty of the claimed method, in that the trust instrument is

¹ As renumbered by the Examiner; that renumbering is maintained in the presentation of the claims in this paper.

² U.S. Patent No. 6,064,986, issued May 16, 2000, to Edelman.

³ Specification of S.N. 10/045,219, paragraphs [0089] through [0091].

created and prepared in an automated manner, based on the identification and amount parameters forwarded by the grantor,⁴ and electronically confirmed by the grantor,⁵ without the effort and substantial expense of having an attorney prepare the trust instrument. This method is advantageous over conventional approaches, such as described in the Edelman reference, in which the trust must be created off-line, for example involving the hiring and payment of attorneys.⁶

In contrast, the Edelman reference expressly requires that an attorney be hired by the grantor to create the trust off-line. Specifically, the Edelman reference describes how the customer of its system is provided with a list of attorneys that have joined an attorney referral network, and who the customer can hire to prepare the trust agreement, even teaching that the system can provide a coupon to pay for all or part of the attorney's fees for preparing the instrument.⁷ Nowhere does the Edelman reference teach the receiving steps of claim 1 of this application, especially the receiving of an electronic confirmation from the grantor over the computer network to establish the trust with the conveyed funds. Nor does the Edelman reference disclose or suggest the operating of a server to forward, over the network, a draft trust instrument to the grantor; rather, the grantor is required to meet and hire an attorney to prepare the trust instrument, according to the teachings of Edelman.

Nor is there any suggestion from the prior art to modify the teachings of the Edelman reference in such a manner as to reach amended claim 1 and its dependent claims. This absence of suggestion to modify is especially apparent given the detailed discussion in the Edelman reference itself⁸ of how to *not* create the trust on-line as results from the method of claim 1, by instead hiring an attorney from its referral network to prepare the trust instrument. This additional overhead time, effort, and cost involved in preparing the trust according to the Edelman reference is prohibitive for small trusts. In contrast, the method claimed in this application enables the creation and management of such small trusts without incurring that

⁴ Specification, *supra*, paragraphs [0089] and [0090].

⁵ Specification, *supra*, paragraph [0091].

⁶ Specification, *supra*, paragraphs [0021], [0028], [0092], [0147] through [0149].

⁷ Edelman, *supra*, column 22, lines 7 through 51; column 22, line 60 through column 23, line 12.

⁸ *Id.*

expense and effort. Accordingly, the important advantages provided by the method claimed in this application stem directly from the differences between the claims and the reference, and further support the patentability of the claims in this case.

Applicant therefore submits that, upon entry of this amendment, claim 1 and its remaining dependent claims 2 through 14 will be in condition for allowance.

Reconsideration of this application is therefore respectfully requested.

Respectfully submitted,
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